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PATENT  
ATTORNEY DOCKET NO. 056240-5001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of )  
Andrew H. SOLL *et al.* ) Confirmation No.: 8196  
Application No.: 09/289,044 ) Group Art Unit: 2175  
Filed: April 9, 1999 ) Examiner: S.G. Rimell  
For: ENHANCED MEDICAL TREATMENT )  
SYSTEM )

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SEP 24 2004

Technology Center 2100

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MAIL STOP AMENDMENT**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated March 19, 2004.
2. Additional papers enclosed:

Drawings:  Formal  Informal (Correction)  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.  
 Change of Attorney Docket Number

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ <b>475.00</b>
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: **\$475.00**

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	38	minus	37	1	x \$18 each=	+ \$18.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$84 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$18.00
Reduction by ½ for filing by a small entity						- \$9.00
TOTAL FEE =						\$9.00

6. Fee Payment

No fee is to be paid at this time.

Please charge Deposit Account No. 50-0310 the amount of \$484.00 (\$475.00 three-month extension of time fee and \$9.00 excess claim fee).

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: September 20, 2004

By:

  
Todd P. Taylor  
Reg. No. 48,513**CUSTOMER NO. 09629**

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